

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FRANK MORRIS CROWLEY,)
vs.)
Petitioner,)
vs.)
JUSTIN JONES, Director,)
vs.)
Respondent.)
NO. CIV-06-1405-T

ORDER

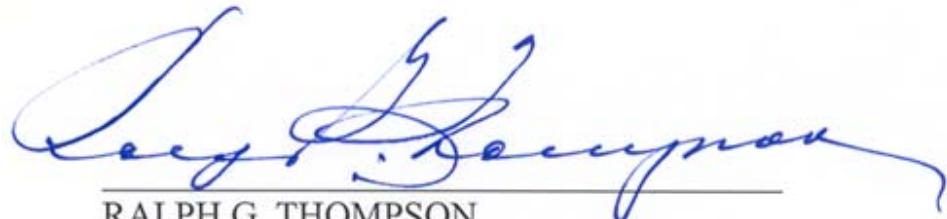
Petitioner, a state prisoner appearing *pro se*, brought this action for a writ of habeas corpus pursuant to 28 U.S.C. §2254, seeking habeas relief. In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings. The respondent moved to dismiss the petition on the ground that petitioner failed to exhaust his available state court remedies prior to filing this action. On March 9, 2007 Judge Purcell filed a Report and Recommendation [Doc. No. 11] in which he recommended that the petition be dismissed without prejudice to the filing of a new action following petitioner's exhaustion of his state court remedies.

In the Report and Recommendation, the magistrate judge advised petitioner of his right to object to same and scheduled a March 29, 2007 deadline for filing such objections. The magistrate judge also advised petitioner that a failure to timely object would constitute a waiver of his right to appellate review of the factual and legal findings contained in the Report and Recommendation.

To date, petitioner has not filed an objection and has not sought an extension of time in which

to do so. Inasmuch as petitioner has failed to object to the Report and Recommendation [Doc. No. 11], it is adopted as though fully set forth herein. The petition for habeas corpus is dismissed without prejudice to the filing of a new action following petitioner's exhaustion of his state court remedies.

IT IS SO ORDERED this 12th day of April, 2007.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE

